

MEETING RECORD

NAME OF GROUP: Urban Design Committee

DATE, TIME AND

PLACE OF MEETING:

Wednesday, September 4, 2002, 3:00 p.m., Room 206, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: Gordon Scholz, Mike Eckert, Kim Todd and Third World Oforah

Others: Jonathan Cook (City Council), Ken Smith and Patia Christy (Public Works), Lynn Johnson (Parks & Recreation), Ed Zimmer and Missy Minner (Planning Department)

STATED PURPOSE

OF THE MEETING:

Regular Meeting of the Urban Design Committee

Acting Chair Eckert called the meeting to order.

Oforah made a clarification to the minutes of the August 7, 2002 meeting with regard to the discussion on the parking garage signs. The minutes were approved as amended.

Update on potential modifications to regulations for private landscaping in public right-of-way/curbside landscaping - Cook explained that this proposal stems from a rash of violations pointed out by an individual who had been turned in for a violation of the ordinance a year ago. The ordinance basically states that only grass, trees, and shrubs are allowed between the lot line and the curb. Shrubs must be trimmed to 3' from the curb or sidewalk. This year, there was controversy over river rock. A person found in violation reported the addresses of many other violations. The City Council asked Public Works not to enforce the ordinance for a few months while it looks at possible changes to the ordinance.

Cook held a public meeting on July 30 with approximately 150 people in attendance. He has just received the packet of feedback from the moderator of the meeting. He is in the process of reducing the size of the packet so that he will be able to mail it out to those who attended.

He intends to have the ordinance before Council at its night meeting - which is the last meeting of the month - to give the public the best chance to attend. It is not possible to have the ordinance ready in time for the September meeting, so he is planning for the meeting at the end of October.

His proposal is being taken to the Parks & Rec Board at its September 5, 2002 meeting. It will be presented to the Neighborhood Round Table on September 12, 2002. At that point, the draft ordinance can be written.

Cook compared the existing ordinance to his proposal in a handout that was distributed to the Committee, a copy of which is attached and incorporated herein (see Exhibit A).

He is still working on the issue of sight triangles with Public Works. He would like to do away with sight triangles.

Part of the reason for this is to make things people, including the City, are already doing legal. Currently there is no grand-fathering or waiver. It is simply illegal.

Cook would also like to include the ability to put retaining walls or fences on the City right-of-way. Currently, that is only allowed if you get a permit to put a structure on the City right-of-way and put up a bond and pay an annual lease fee. This is important because in older neighborhoods there are items on the City right-of-way that have been there since the '20s. In most cases, they are behind the sidewalk. He proposed requiring a permit for the official oversight of structures in the City right-of-way and dropping the lease fee and bond requirement.

Cook stated that his proposal would only apply to residential areas. Commercial use is different than this.

Todd suggested allowing the changes with a safety review only. She was opposed to fences between the sidewalk and the curb. She suggested allowing retaining walls only in that area. She felt that sight triangle changes could be tied to controls at the intersection.

Eckert was of the opinion that changing the ordinance with regard to sight triangles would cause inconsistencies in the design standards. He was comfortable with a safety review by Public Works, but added that the sight triangles are important due to safety reasons and need to be consistent.

Todd clarified that she believes the sight triangles could be reduced if they are tied to controlled intersections. Uncontrolled intersections should have sight triangles. Eckert felt that could cause liability problems for the City in the future. Cook indicated that he wants to make sure the sight triangle is not larger than is needed.

Cook asked the Committee's opinion on vegetable gardens in the right-of-way. Todd stated that they need to decide if they are going to legislate aesthetics or not - because it gets into personal preferences if you say no to vegetables, but yes to everything else.

Oforah agreed with Todd with regard to vegetable gardens. He was bothered by the fact that the City is in violation of the ordinance. He didn't feel that it was appropriate to impose a law that the City itself is violating.

The Committee generally agreed on the following:

- A 30" height limit is reasonable between the sidewalk and curb.
- Vegetable gardens should be allowed.
- This ordinance should be applied to residential areas only.
- River rock causes safety problems and there is no good way to keep rock in place without permanently setting it in place. They would prefer permanent or modular pavement on sand.
- Mulch is not a problem.
- If retaining walls are allowed, you might as well allow boulders.

Eckert stated that rock will fall into street and causes a safety concern, while a boulder that is under 30" high is big enough that it can't fall into the street. Cook proposed that the new ordinance would state that if a property owner isn't keeping the rock off the street and sidewalk, they will have to remove it. Todd pointed out that creates essentially the same enforcement problem as the complaint driven enforcement of sight triangles and other violations.

She added that this would be a good opportunity for a County Extension workshop which could show people what is allowed while giving them guidance on plant materials that would tolerate and survive the conditions in the planting area.

Zimmer stated that the draft ordinance would be brought back to the Committee for review.

Miscellaneous - Zimmer indicated that the Committee will be looking at plans for possibilities for the Block 41 Mega-Plex at an upcoming meeting. The party interested in the full block theater has withdrawn, presumably due to the sliding economy.

There being no further business, the meeting adjourned at 4:03.

Comparison of Current “Sidewalk Space” Ordinance vs. Jonathan Cook’s Suggestions for New Ordinance

Definition: The “sidewalk space” is the area between the lot line and the curb, along any street. Such space may or may not actually have a sidewalk in it.

	Current Ordinance	Cook’s Suggestions for New Ordinance
Plantings allowed in sidewalk space	Only grass, trees, & shrubs	Anything [except vegetable gardens?]
Permit required for:	New trees and shrubs	New trees only (note: any rules dealing with trees, including type, placement, trimming requirements, etc., would remain the same as now).
Trimming requirements, placement guidelines for maintaining sightlines, safety for pedestrians, cars, bikes, and wheelchairs	<p>Shrubs must be trimmed at least 3 feet back from curb or sidewalk.</p> <p>Shrubs can be no more than 30 inches high, unless approved by the Public Works Director.</p>	<p>1) In area between sidewalk and curb, plants must be trimmed to no more than 30 inches high, unless approved by the Public Works Director.</p> <p>2) In area between lot line and sidewalk, plants may grow to any height, [If no sidewalk, assume on at 12 feet from curb?]</p> <p>3) Anything in sight triangle must be trimmed to no more than 30 inches high (this overrides other rules).</p> <p>4) Shrubs and other plantings may grow up to the edge of curb or sidewalk, but cannot extend over.</p>
Mulch, gravel or decorative rock	None may be used (except rock set in concrete, with permit).	May be used if placed as to not spill over sidewalk or curb.

Any new law would require that:

- 1) All plantings must be maintained by the homeowner or the City will have the right to remove them.
- 2) All plantings are at homeowner’s risk. The City has no liability if plantings are damaged as a result of work by the City (for example, plowing, salting, utility work, etc.).

If you have comments or questions regarding the “sidewalk space” ordinance, please contact Council Member Jonathan Cook (email: jcook@ci.lincoln.ne.us, home phone: 476-8686).